

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALFONSO PERCY PEW : CIVIL ACTION
: :
: :
v. : No. 22-1488
: :
GEORGE LITTLE, et al. : :

ORDER

AND NOW, this 6th day of March, 2024, upon consideration of Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint (ECF No. 78), and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED the Motion is GRANTED IN PART and DENIED IN PART as follows:

1. The Motion is DENIED as to Pew's 42 U.S.C. § 1983 claims against Defendant Mandy Biser-Sipple,¹ and Biser-Sipple is DIRECTED to file an Answer to the Third Amended Complaint by March 21, 2024.

2. Pew's § 1983 claims as to the early 2021 denial of various religious accommodations at SCI Rockview, the 2021 retaliatory conduct while housed at SCI Rockview, and the September 24, 2021 denial of a vegan diet religious accommodation at SCI Phoenix are SEVERED from this case and:

A. The Clerk of Court is DIRECTED to OPEN a new civil action naming Alfonso Percy Pew as the Plaintiff and naming Ulli Klemm, Thomas Boldin, and Vote Sheet Member(s) John and Jane Doe's as the Defendants using a copy of this Order and a copy of the Third Amended Complaint filed

¹ Pew's ADA claim against Biser-Sipple remains dismissed with prejudice. See ECF Nos. 62 and 63.

in this action. To the extent Pew seeks to proceed on his claims regarding the early 2021 denial of various religious accommodations at SCI Rockview by these Defendants, he must do so in the new civil action. Pew will be required to either pay the filing fee to proceed in this new civil action up front, or file a new motion to proceed *in forma pauperis* if he cannot afford to pay the fee to do so.

B. The Clerk of Court is DIRECTED to OPEN a new civil action naming Alfonso Percy Pew as the Plaintiff and naming Ulli Klemm as the sole Defendant using a copy of this Order and a copy of the Complaint filed in this action. To the extent Pew seeks to proceed on his claims regarding the September 24, 2021 denial of a vegan diet religious accommodation at SCI Phoenix by this Defendant, he must do so in the new civil action. Pew will be required to either pay the filing fee to proceed in this new civil action up front, or file a new motion to proceed *in forma pauperis* if he cannot afford to pay the fee to do so.

C. The Clerk of Court is DIRECTED to OPEN a new civil action naming Alfonso Percy Pew as the Plaintiff and naming Ray Hosterman, Philip Mattis, Christopher Myers, and Hostage Negotiator John Doe as the Defendants using a copy of this Order and a copy of the Complaint filed in this action. To the extent Pew seeks to proceed on his claims regarding the 2021 retaliatory conduct at SCI Rockview by these Defendants, he must do so in the new civil action. Pew will be required to either pay the filing fee

to proceed in this new civil action up front, or file a new motion to proceed *in forma pauperis* if he cannot afford to pay the fee to do so.

D. It is further ORDERED that this new action involving Defendants Ray Hosterman, Philip Mattis, Christopher Myers, and Hostage Negotiator John Doe is TRANSFERRED to the United States District Court for the Middle District of Pennsylvania.

The Clerk of Court is DIRECTED to TERMINATE the follow individuals as Defendants in this matter: (1) Defendant Ulli Klemm; (2) Defendant Thomas Boldin; (3) Defendant Vote Sheet Member(s) John and Jane Doe's; (4) Defendant Ray Hosterman; (5) Defendant Philip Mattis; (6) Defendant Christopher Myers; and (7) Defendant CO. Hostage Negotiator John Doe.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.